



## Division of Criminal Justice Services

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### **CERTIFICATION PURSUANT TO CPLR 4518 OF RECORDS MAINTAINED IN THE REGULAR COURSE OF BUSINESS**

I, Joshua Vinehout, Supervisor of Public Safety Programs, Office of Public Safety, New York State Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12210, having been duly designated and authorized by the Commissioner of the Division of Criminal Justice Services, do hereby certify and authenticate, as provided by subdivision c of Rule 4518 of the Civil Practice Law and Rules, that the document annexed hereto is an exact copy of an electronic record of the Office of Public Safety which is in my possession, custody and control. This record, once created, is stored in an electronic format that cannot thereafter be altered or modified.

I further certify that the original electronic record of inspection/maintenance/calibration of NAT'L PATENT ANALYTICAL SYS, DATAMASTER DMT breath test instrument, serial number 300391, performed on October 09, 2020 by Office of Public Safety employee Jonathan Mascolo, of which the annexed is an exact copy, was made in the regular course of business of the New York State Division of Criminal Justice Services, Office of Public Safety, that such record was made at the time such inspection/ maintenance/calibration was performed or within a reasonable time thereafter, and further that it is the regular course of the Office of Public Safety's business to make such records at the time such inspection/maintenance /calibration is performed, or within a reasonable time thereafter, and to provide such instrument's records to the agency that requested them.

A handwritten signature in black ink that reads "Joshua Vinehout".

Digitally signed under  
ESRA by Joshua Vinehout  
on 10/14/2020 2:03 PM

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**Joshua Vinehout**  
Supervisor of Public Safety Programs  
Office of Public Safety

An Equal Opportunity/Affirmative Action Agency

**BREATH TEST INSTRUMENT  
RECORD OF INSPECTION / MAINTENANCE / CALIBRATION**

Name of Submitting Agency: Lake George Park Commission

Manufacturer: NAT'L PATENT ANALYTICAL SYS      Model: DATAMASTER DMT

Date: October 09, 2020      Serial Number: 300391

Reference Solution Lot Number: 19281

Reference Solution Standard: 0.10 % at 34.0 degrees centigrade

| Test No | Test Result | Simulator Temperature    |
|---------|-------------|--------------------------|
| 1       | 0.098 %     | 34.00 degrees centigrade |
| 2       | 0.098 %     | 34.00 degrees centigrade |
| 3       | 0.098 %     | 34.00 degrees centigrade |
| 4       | 0.099 %     | 34.00 degrees centigrade |

Reference Solution Lot Number: 20020

Reference Solution Standard: 0.08 % at 34.0 degrees centigrade

| Test No | Test Result | Simulator Temperature    |
|---------|-------------|--------------------------|
| 1       | 0.080 %     | 34.02 degrees centigrade |
| 2       | 0.079 %     | 34.02 degrees centigrade |
| 3       | 0.079 %     | 34.02 degrees centigrade |
| 4       | 0.079 %     | 34.02 degrees centigrade |

Reference Solution Lot Number: 20290

Reference Solution Standard: 0.180 % at 34.0 degrees centigrade

| Test No | Test Result | Simulator Temperature    |
|---------|-------------|--------------------------|
| 1       | 0.180 %     | 34.00 degrees centigrade |
| 2       | 0.180 %     | 34.00 degrees centigrade |
| 3       | 0.180 %     | 34.00 degrees centigrade |
| 4       | 0.179 %     | 34.00 degrees centigrade |

I hereby certify that I have performed any necessary maintenance procedures and calibrated NAT'L PATENT ANALYTICAL SYS breath test instrument model DATAMASTER DMT, serial number 300391, and have determined that it is accurate and reliable for the determination of ethyl alcohol in the blood by analysis of the breath. The instrument's test results are recorded above and this instrument satisfies all limits and standards established by the New York State Commissioner of Health as enumerated in Part 59, Subchapter D of Chapter II, TITLE 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, (10 NYCRR Part 59) as amended.

I further certify that I made the entries in these records of inspection/maintenance/calibration at the time that such inspection/maintenance/calibration of the above identified breath test instrument was performed, or within a reasonable time thereafter.

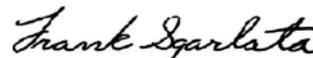
Performed by:



Digitally signed under  
ESRA by Jonathan Mascolo  
on 10/9/2020 2:48 PM

**Jonathan Mascolo**  
Highway Safety Equipment Technician  
Breath Analysis Operator Permit # 45339

Reviewed by:



Digitally signed under  
ESRA by Frank Sgarlata  
on 10/14/2020 9:30 AM

**Frank Sgarlata**  
Breath Analysis Technical Supervisor

**BREATH TEST INSTRUMENT  
RECORD OF INSPECTION / MAINTENANCE / CALIBRATION**

**Name of Submitting Agency: Lake George Park Commission**  
**Manufacturer: NAT'L PATENT ANALYTICAL SYS**  
**Model: DATAMASTER DMT**  
**Serial Number: 300391**  
**Date: October 09, 2020**

**1. General Appearance and condition of this device -----: OK**

**2. Check controls and indicators -----: OK**

**3. Check breath flow system -----: OK**

**4. Check printer operation -----: OK**

**5. System cycles through all modes -----: OK**

**6. Record any repairs made to this instrument and list services provided: INSPECTED INSTRUMENT, CHECKED SETUP VOLTAGES PRINT AND REMOTE OPERATION. PERFORMED CALIBRATION/ADJUSTMENT PROCEDURE, RAN SUBJECT, TECHNICIAN AND DIAGNOSTIC TESTS, VERIFIED CALIBRATION.**



Performed by:

A handwritten signature in black ink that reads "Jonathan Mascolo".

Digitally signed under  
ESRA by Jonathan Mascolo  
on 10/9/2020 2:48 PM

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**Jonathan Mascolo**  
**Highway Safety Equipment Technician**  
**Breath Analysis Operator Permit # 45339**

Reviewed by:

A handwritten signature in black ink that reads "Frank Sgarlata".

Digitally signed under  
ESRA by Frank Sgarlata  
on 10/14/2020 9:30 AM

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**Frank Sgarlata**  
**Breath Analysis Technical Supervisor**

TECHNICIAN TEST

LAKE GEORGE  
 PARK COMMISSION  
 DATAMASTER dmt: 300391

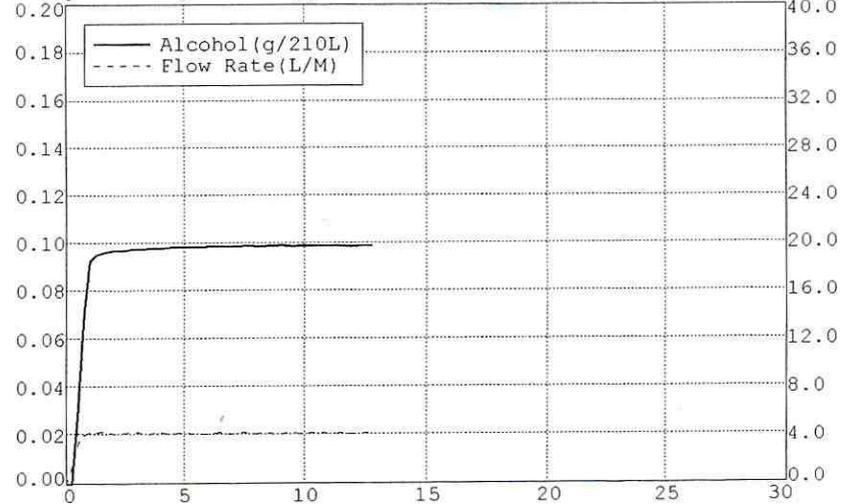
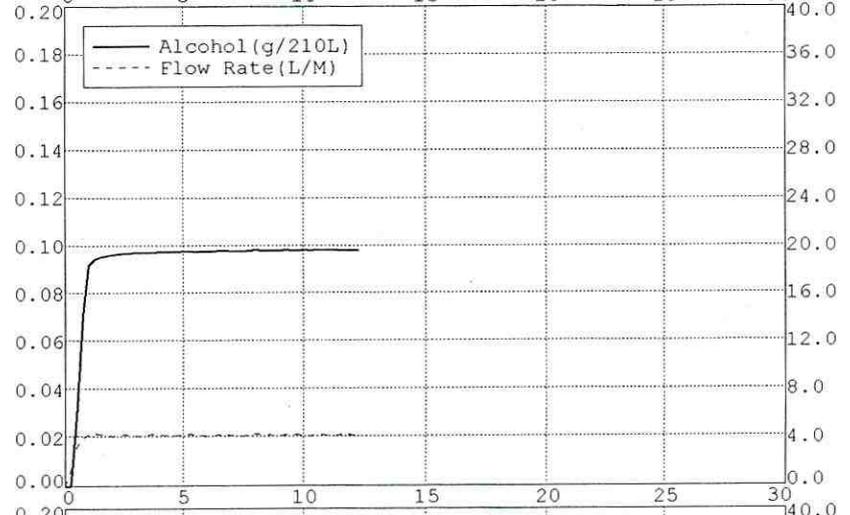
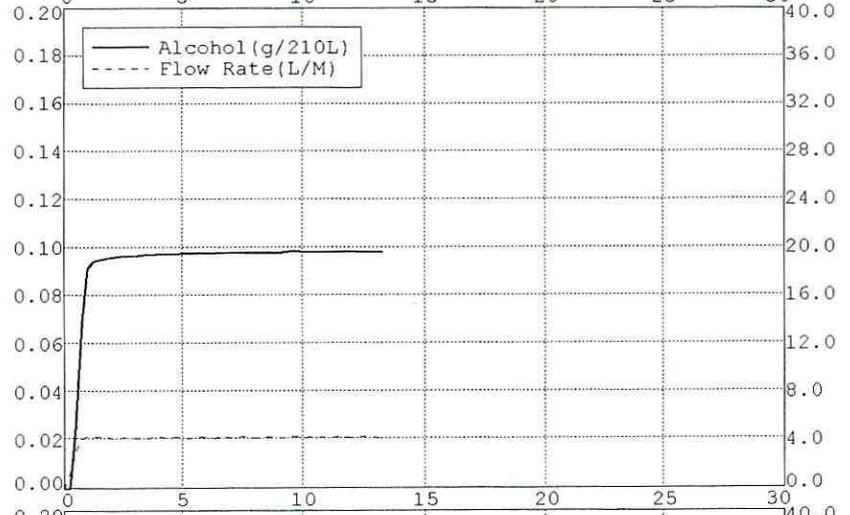
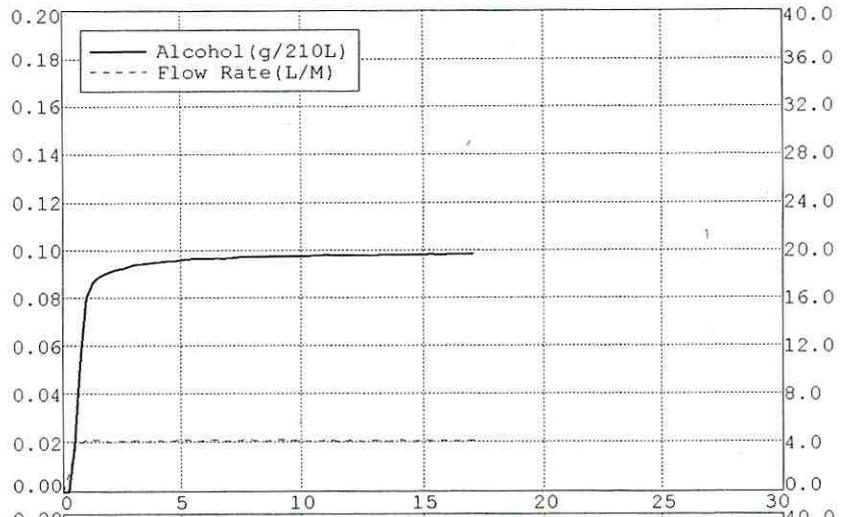
Date: 10/09/2020

OPERATOR NAME:  
 JONATHAN M MASCOLO  
 Permit #: 45339  
 Operator Agency/Dept: LAKE GEORGE PK COMM  
 Reference Standard #: 19281

Nominal = 0.100 g/210L

|                         |          |       |
|-------------------------|----------|-------|
| BLANK TEST              | 0.000    | 13:33 |
| INTERNAL STANDARD       | VERIFIED | 13:33 |
| REFERENCE STANDARD TEMP | 34.00c   |       |
| REFERENCE STANDARD      | 0.098    | 13:33 |
| BLANK TEST              | 0.000    | 13:34 |
| REFERENCE STANDARD TEMP | 34.00c   |       |
| REFERENCE STANDARD      | 0.098    | 13:34 |
| BLANK TEST              | 0.000    | 13:35 |
| REFERENCE STANDARD TEMP | 34.00c   |       |
| REFERENCE STANDARD      | 0.098    | 13:36 |
| BLANK TEST              | 0.000    | 13:36 |
| REFERENCE STANDARD TEMP | 34.00c   |       |
| REFERENCE STANDARD      | 0.099    | 13:37 |
| BLANK TEST              | 0.000    | 13:38 |

Average = 0.0982  
 Std Dev = 0.0005



TECHNICIAN TEST

LAKE GEORGE  
PARK COMMISSION  
DATAMASTER dmt: 300391

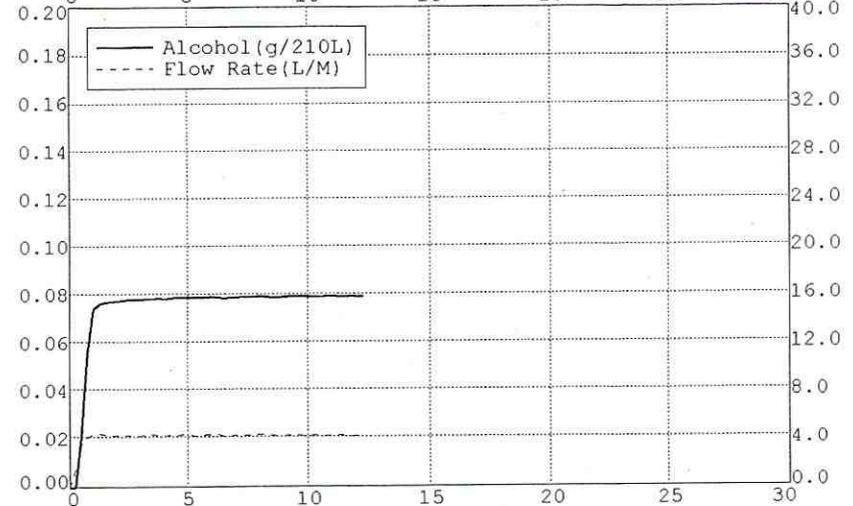
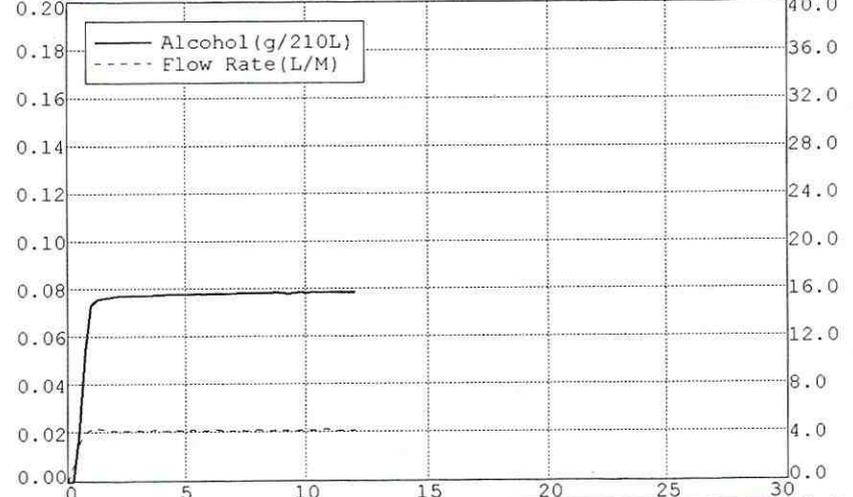
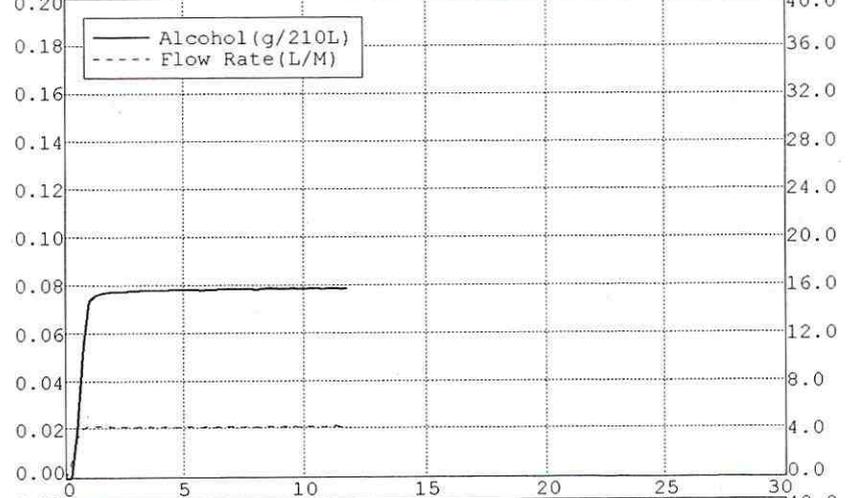
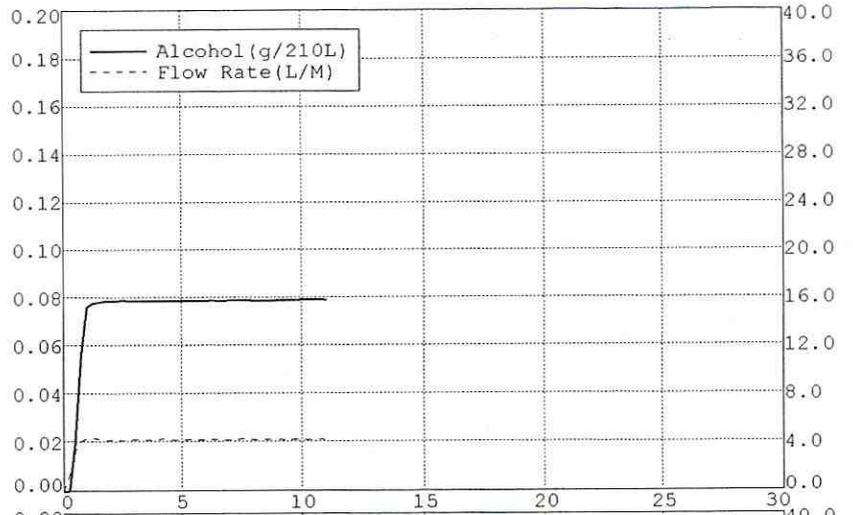
Date: 10/09/2020

OPERATOR NAME:  
JONATHAN M MASCOLO  
Permit #: 45339  
Operator Agency/Dept: LAKE GEORGE PK COMM  
Reference Standard #: 20020

Nominal = 0.080 g/210L

|                         |          |       |
|-------------------------|----------|-------|
| BLANK TEST              | 0.000    | 13:24 |
| INTERNAL STANDARD       | VERIFIED | 13:24 |
| REFERENCE STANDARD TEMP | 34.02c   |       |
| REFERENCE STANDARD      | 0.080    | 13:25 |
| BLANK TEST              | 0.000    | 13:26 |
| REFERENCE STANDARD TEMP | 34.02c   |       |
| REFERENCE STANDARD      | 0.079    | 13:26 |
| BLANK TEST              | 0.000    | 13:27 |
| REFERENCE STANDARD TEMP | 34.02c   |       |
| REFERENCE STANDARD      | 0.079    | 13:27 |
| BLANK TEST              | 0.000    | 13:28 |
| REFERENCE STANDARD TEMP | 34.02c   |       |
| REFERENCE STANDARD      | 0.079    | 13:28 |
| BLANK TEST              | 0.000    | 13:29 |

Average = 0.0792  
Std Dev = 0.0005



TECHNICIAN TEST

LAKE GEORGE  
 PARK COMMISSION  
 DATAMASTER dmt: 300391

Date: 10/09/2020

OPERATOR NAME:  
 JONATHAN M MASCOLO  
 Permit #: 45339  
 Operator Agency/Dept: LAKE GEORGE PK COMM  
 Reference Standard #: 20290

Nominal = 0.180 g/210L

|                         |          |       |
|-------------------------|----------|-------|
| BLANK TEST              | 0.000    | 13:41 |
| INTERNAL STANDARD       | VERIFIED | 13:41 |
| REFERENCE STANDARD TEMP | 34.00c   |       |
| REFERENCE STANDARD      | 0.180    | 13:42 |
| BLANK TEST              | 0.000    | 13:43 |
| REFERENCE STANDARD TEMP | 34.00c   |       |
| REFERENCE STANDARD      | 0.180    | 13:43 |
| BLANK TEST              | 0.000    | 13:44 |
| REFERENCE STANDARD TEMP | 34.00c   |       |
| REFERENCE STANDARD      | 0.180    | 13:44 |
| BLANK TEST              | 0.000    | 13:45 |
| REFERENCE STANDARD TEMP | 34.00c   |       |
| REFERENCE STANDARD      | 0.179    | 13:46 |
| BLANK TEST              | 0.000    | 13:46 |

Average = 0.1798  
 Std Dev = 0.0005

